

United States District Court
for the
District of Alaska

AMENDED Petition for Warrant or Summons for Offender Under Supervised Release

Name of Offender: Tonya Marie McAllister Case Number: F05-0029 CR (TWH)
Sentencing Judicial Officer: Terrance W. Hall, U.S. Magistrate Judge
Date of Original Sentence: November 10, 2005; Revocation December 23, 2006
Original Offense: Driving a Motor Vehicle while Driver's License has been Canceled, Suspended, or Revoked
Original Sentence: 1 year probation revoked December 23, 2006 and sentenced to 33 days imprisonment and 1 year supervised release
Date Supervision Commenced: Probation on November 10, 2005; term of supervised release on January 10, 2006
Asst. U.S. Attorney: Stephen Cooper Defense Attorney: Lance Wells

PETITIONING THE COURT

- ☒ To issue a warrant (*A warrant was issued on July 31, 2006, upon the filing of the original petition. The warrant was served and the defendant has been detained.*)
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of **Supervised Release**:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- | | |
|---|--|
| 1 | The defendant has violated the General Condition of Supervision No. 7, "The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician," in that on or about July 18, 2006, the defendant used a controlled substance, as evidenced by a urinalysis that was positive for cocaine. This violation is a Grade C violation. |
| 2 | The defendant has violated the Special Condition of Supervision No. 3, "The defendant shall submit to a maximum of twelve (12) drug tests per month throughout the one (1) year probation period as directed by her probation officer," in that on July 21, 2006, the defendant failed to report for a urinalysis. This violation is a Grade C violation. |

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- 3 The defendant has violated the Special Condition of Supervision No. 3, "The defendant shall submit to a maximum of twelve (12) drug tests per month throughout the one (1) year probation period as directed by her probation officer," in that on July 12, 2006, the defendant failed to report for a urinalysis. This violation is a Grade C violation.

U.S. Probation Officer Recommendation:

The term of **Supervised Release** should be:

- ☒ Revoked
☐ Extended for _____ year(s), for a total term of _____ years.

Respectfully submitted,

 REDACTED SIGNATURE

Charlene Wortman

U.S. Probation/Pretrial Services Officer

Date: August 9, 2006

Approved by:

REDACTED SIGNATURE

Eric D. Odegard

Supervising U.S. Probation Officer

THE COURT ORDERS

- ☐ The *WARRANT FOR ARREST* be delivered to the U.S. Marshal's Service; and the petition, probation officer's declaration, and a copy of the warrant shall be sealed in the Clerk's file and disclosed only to the U.S. Attorney for their official use, until the arrest of the offender.
- ☐ The issuance of a summons.
- ☒ Other: The Petition filed as document 52 is amended by this petition and the original warrant, dated July 31, 2006, is to remain in effect.
- ☐ Other:

REDACTED SIGNATURE

The Honorable John D. Roberts
U.S. Magistrate Judge

August 9, 2006

Date

United States District Court
for the
DISTRICT OF ALASKA

UNITED STATES OF AMERICA

vs.

Tonya Marie McAllister

Case Number: F05-0029 CR (TWH)

AMENDED

DECLARATION IN SUPPORT OF PETITION

I, Charlene Wortman, am the U.S. Probation Officer assigned to supervise the Court-ordered conditions of **Supervised Release** for Tonya Marie McAllister, and in that capacity declare as follows:

On November 10, 2005, the defendant was sentenced in U.S. District Court in the District of Alaska to one year probation for the offense of Driving a Motor Vehicle while Driver's License has been Canceled, Suspended, or Revoked. Conditions of probation included residing at a community corrections center until bed space was available in a residential treatment facility, completion of a 42-day residential substance abuse treatment program followed by a 24-week outpatient program, and submitting to drug testing.

On December 23, 2005, the defendant appeared before the Honorable Terrance W. Hall, U.S. Magistrate Judge as a result of violating her conditions of supervision. The defendant admitted to violating conditions of supervision by failing to complete the 42-day residential substance abuse program. The defendant's term of probation was revoked, she was ordered to remain incarcerated until January 10, 2006, **and serve a one (1) year term of Supervised Release..**

On January 9, 2006, a status hearing was held at which time the Court determined the defendant's conditions of supervised release. The conditions included residing at the community corrections center (CCC) for a term not to exceed 90 days; entering a Naltrexone treatment program and abiding by the program's components; participate in outpatient substance abuse treatment; submit to drug testing; submit to warrantless searches; refrain from the use and possession of alcohol; and not associate with any person on probation or any person who had been on probation and to actively seek and maintain employment.

On January 10, 2006, the defendant entered the community corrections center.

On January 24th and 25th of 2006, the defendant submitted to urinalysis that tested positive for cocaine.

On January 26, 2006, the defendant began Intensive Outpatient Treatment with Salvation Army Clithroe Center (SACC).

On February 10, 2006, a Status Hearing was held to address the defendant's violations of supervision involving her use of cocaine. The defendant was reprimanded, but allowed to remain at the community corrections center and continue treatment with SACC.

On February 28, 2006, the defendant was released from the community corrections center.

On March 31, 2006, a Status Hearing was held due to the defendant violating conditions of supervision by consuming cocaine, associating with convicted felons and committing the crime of Driving While Licence Revoked or Suspended. The defendant's conditions of supervision were modified to include home confinement with electronic monitoring.

On June 26, 2006, the defendant completed substance abuse treatment with SACC.

On July 12, 2006, the defendant failed to submit to a scheduled urinalysis at the U.S. Probation Office in Anchorage. The probation officer attempted to contact the defendant upon being notified; however, the defendant was not at home and had no answering machine due to the electronic monitoring requirements.

On July 18, 2006, the defendant reported to the U.S. Probation Office, although she was not scheduled for a urinalysis that day. The defendant's urine sample field tested positive for cocaine. The defendant denied using cocaine. The sample was sent to the laboratory for confirmation.

On July 21, 2006, the defendant failed to report for a urinalysis.

On July 25, 2006, the probation officer spoke with the defendant telephonically regarding her missed urinalysis and the sample that appeared positive for cocaine. The defendant denied using cocaine and stated that she was sick the previous week and had become confused with her test days. The defendant was advised that the probation officer would await the laboratory results for the urinalysis taken July 18, 2006.

On July 27, 2006, the defendant reported for a urinalysis that field tested positive for cocaine and is pending confirmation by the laboratory.

On July 28, 2006, the probation officer received the laboratory results for the urinalysis taken July 18, 2006. The sample was confirmed positive for cocaine.

Executed this 9th day of August, 2006, at Anchorage, Alaska, in conformance with the provisions of 28 U.S.C. § 1746.

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

REDACTED SIGNATURE

Charlene Wortman
U.S. Probation Officer